

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LOCAL 3621, EMS OFFICERS UNION, DC-37, AFSCME,
AFL-CIO, et al.,

Plaintiffs,

against

THE CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 4476 (LJL) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Before the Court is Plaintiffs' motion for sanctions in the form of an adverse inference. (ECF No. 328). Because the relief requested goes to the merits of the case, the Court will issue its decision on the motion in the form of a Report and Recommendation to the Honorable Lewis J. Liman.

In the meantime, regarding the outstanding demographic data, it is the Court's understanding that Plaintiffs requested this data, multiple times over many months, in any format that the City would provide. The fact that the City now claims that it is "impossible" to provide a witness to testify to the data that it produced is unavailing and is not an acceptable reason for failure to comply with the Court's orders regarding this deposition. The City can prepare its witness to be able to testify to the data already produced, or, if it has not already done so, the City can re-produce the data. While the sanctions motion is pending disposition, Defendants are **ORDERED** to:

1. By **March 12, 2021** provide to Plaintiffs multiple dates for the scheduling of the Rule 30(b)(6) Demographic Data Witness in March 2021.

2. Provide (1) the data legend, and (2) the data on which the Rule 30(b)(6) Demographic Data Witness is testifying **at least 72 hours** before the scheduled deposition. If there are technological issues with the data, the parties are ordered to immediately meet and confer on the issue.

Dated: New York, New York
March 5, 2021

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge